

# STATE OF NEW YORK

10196

## IN SENATE

May 5, 2026

Introduced by Sen. FAHY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing a school speed zone camera demonstration program in the city of Amsterdam; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 1180-i to read as follows:

3 § 1180-i. Owner liability for failure of operator to comply with  
4 certain posted maximum speed limits; city of Amsterdam. (a) 1. Notwith-  
5 standing any other provision of law, the city of Amsterdam is hereby  
6 authorized to establish a demonstration program imposing monetary  
7 liability on the owner of a vehicle for failure of an operator thereof  
8 to comply with posted maximum speed limits in a school speed zone within  
9 such city (i) when a school speed limit is in effect as provided in  
10 paragraphs one and two of subdivision (c) of section eleven hundred  
11 eighty of this article or (ii) when other speed limits are in effect as  
12 provided in subdivision (b), (d), (f) or (g) of section eleven hundred  
13 eighty of this article during the following times: (A) on school days  
14 during school hours and one hour before and one hour after the school  
15 day, and (B) a period during student activities at the school and up to  
16 thirty minutes immediately before and up to thirty minutes immediately  
17 after such student activities. Such demonstration program shall empower  
18 the city of Amsterdam to install photo speed violation monitoring  
19 systems within no more than five school speed zones within such city at  
20 any one time and to operate such systems within such zones (iii) when a  
21 school speed limit is in effect as provided in paragraphs one and two of  
22 subdivision (c) of section eleven hundred eighty of this article or (iv)  
23 when other speed limits are in effect as provided in subdivision (b),  
24 (d), (f) or (g) of section eleven hundred eighty of this article during  
25 the following times: (A) on school days during school hours and one hour  
26 before and one hour after the school day, and (B) a period during

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD15680-01-6

1 student activities at the school and up to thirty minutes immediately  
2 before and up to thirty minutes immediately after such student activ-  
3 ities. In selecting a school speed zone in which to install and operate  
4 a photo speed violation monitoring system, the city shall consider  
5 criteria including, but not limited to, the speed data, crash history,  
6 and the roadway geometry applicable to such school speed zone.

7 2. No photo speed violation monitoring system shall be used in a  
8 school speed zone unless (i) on the day it is to be used it has success-  
9 fully passed a self-test of its functions; and (ii) it has undergone an  
10 annual calibration check performed pursuant to paragraph four of this  
11 subdivision. The city shall install signs giving notice that a photo  
12 speed violation monitoring system is in use to be mounted on advance  
13 warning signs notifying motor vehicle operators of such upcoming school  
14 speed zone and/or on speed limit signs applicable within such school  
15 speed zone, in conformance with standards established in the MUTCD.

16 3. Operators of photo speed violation monitoring systems shall have  
17 completed training in the procedures for setting up, testing, and oper-  
18 ating such systems. Each such operator shall complete and sign a daily  
19 set-up log for each such system that such operator operates that (i)  
20 states the date and time when, and the location where, the system was  
21 set up that day, and (ii) states that such operator successfully  
22 performed, and the system passed, the self-tests of such system before  
23 producing a recorded image that day. The city shall retain each such  
24 daily log until the later of the date on which the photo speed violation  
25 monitoring system to which it applies has been permanently removed from  
26 use or the final resolution of all cases involving notices of liability  
27 issued based on photographs, microphotographs, videotape or other  
28 recorded images produced by such system.

29 4. Each photo speed violation monitoring system shall undergo an annu-  
30 al calibration check performed by an independent calibration laboratory  
31 which shall issue a signed certificate of calibration. The city shall  
32 keep each such annual certificate of calibration on file until the final  
33 resolution of all cases involving a notice of liability issued during  
34 such year which were based on photographs, microphotographs, videotape  
35 or other recorded images produced by such photo speed violation monitor-  
36 ing system.

37 5. (i) Such demonstration program shall utilize necessary technologies  
38 to ensure, to the extent practicable, that photographs, microphoto-  
39 graphs, videotape or other recorded images produced by such photo speed  
40 violation monitoring systems shall not include images that identify the  
41 driver, the passengers, or the contents of the vehicle. Provided, howev-  
42 er, that no notice of liability issued pursuant to this section shall be  
43 dismissed solely because such a photograph, microphotograph, videotape  
44 or other recorded image allows for the identification of the driver, the  
45 passengers, or the contents of vehicles where the city shows that it  
46 made reasonable efforts to comply with the provisions of this paragraph  
47 in such case.

48 (ii) Photographs, microphotographs, videotape or any other recorded  
49 image from a photo speed violation monitoring system shall be for the  
50 exclusive use of the city for the purpose of the adjudication of liabil-  
51 ity imposed pursuant to this section and of the owner receiving a notice  
52 of liability pursuant to this section, and shall be destroyed by the  
53 city upon the final resolution of the notice of liability to which such  
54 photographs, microphotographs, videotape or other recorded images  
55 relate, or one year following the date of issuance of such notice of  
56 liability, whichever is later. Notwithstanding the provisions of any

1 other law, rule or regulation to the contrary, photographs, microphoto-  
2 graphs, videotape or any other recorded image from a photo speed  
3 violation monitoring system shall not be open to the public, nor subject  
4 to civil or criminal process or discovery, nor used by any court or  
5 administrative or adjudicatory body in any action or proceeding therein  
6 except that which is necessary for the adjudication of a notice of  
7 liability issued pursuant to this section, and no public entity or  
8 employee, officer or agent thereof shall disclose such information,  
9 except that such photographs, microphotographs, videotape or any other  
10 recorded images from such systems:

11 (A) shall be available for inspection and copying and use by the motor  
12 vehicle owner and operator for so long as such photographs, microphoto-  
13 graphs, videotape or other recorded images are required to be maintained  
14 or are maintained by such public entity, employee, officer or agent; and

15 (B) (1) shall be furnished when described in a search warrant issued  
16 by a court authorized to issue such a search warrant pursuant to article  
17 six hundred ninety of the criminal procedure law or a federal court  
18 authorized to issue such a search warrant under federal law, where such  
19 search warrant states that there is reasonable cause to believe such  
20 information constitutes evidence of, or tends to demonstrate that, a  
21 misdemeanor or felony offense was committed in this state or another  
22 state, or that a particular person participated in the commission of a  
23 misdemeanor or felony offense in this state or another state, provided,  
24 however, that if such offense was against the laws of another state, the  
25 court shall only issue a warrant if the conduct comprising such offense  
26 would, if occurring in this state, constitute a misdemeanor or felony  
27 against the laws of this state; and

28 (2) shall be furnished in response to a subpoena duces tecum signed by  
29 a judge of competent jurisdiction and issued pursuant to article six  
30 hundred ten of the criminal procedure law or a judge or magistrate of a  
31 federal court authorized to issue such a subpoena duces tecum under  
32 federal law, where the judge finds and the subpoena states that there is  
33 reasonable cause to believe such information is relevant and material to  
34 the prosecution, or the defense, or the investigation by an authorized  
35 law enforcement official, of the alleged commission of a misdemeanor or  
36 felony in this state or another state, provided, however, that if such  
37 offense was against the laws of another state, such judge or magistrate  
38 shall only issue such subpoena if the conduct comprising such offense  
39 would, if occurring in this state, constitute a misdemeanor or felony in  
40 this state; and

41 (3) may, if lawfully obtained pursuant to this clause and clause (A)  
42 of this subparagraph and otherwise admissible, be used in such criminal  
43 action or proceeding.

44 (b) If the city of Amsterdam establishes a demonstration program  
45 pursuant to subdivision (a) of this section, the owner of a vehicle  
46 shall be liable for a penalty imposed pursuant to this section if such  
47 vehicle was used or operated with the permission of the owner, express  
48 or implied, within a school speed zone in violation of subdivision (c)  
49 or during the times authorized pursuant to subdivision (a) of this  
50 section in violation of subdivision (b), (d), (f) or (g) of section  
51 eleven hundred eighty of this article, such vehicle was traveling at a  
52 speed of more than ten miles per hour above the posted speed limit in  
53 effect within such school speed zone, and such violation is evidenced by  
54 information obtained from a photo speed violation monitoring system;  
55 provided however that no owner of a vehicle shall be liable for a penal-  
56 ty imposed pursuant to this section where the operator of such vehicle

1 has been convicted of the underlying violation of subdivision (b), (c),  
2 (d), (f) or (g) of section eleven hundred eighty of this article.

3 (c) For purposes of this section, the following terms shall have the  
4 following meanings:

5 1. "manual on uniform traffic control devices" or "MUTCD" shall mean  
6 the manual and specifications for a uniform system of traffic control  
7 devices maintained by the commissioner of transportation pursuant to  
8 section sixteen hundred eighty of this chapter;

9 2. "owner" shall have the meaning provided in article two-B of this  
10 chapter;

11 3. "photo speed violation monitoring system" shall mean a vehicle  
12 sensor installed to work in conjunction with a speed measuring device  
13 which automatically produces two or more photographs, two or more micro-  
14 photographs, a videotape or other recorded images of each vehicle at the  
15 time it is used or operated in a school speed zone in violation of  
16 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty  
17 of this article in accordance with the provisions of this section; and

18 4. "school speed zone" shall mean a distance not to exceed one thou-  
19 sand three hundred twenty feet on a highway passing a school building,  
20 entrance or exit of a school abutting on the highway.

21 (d) A certificate, sworn to or affirmed by a technician employed by  
22 the city of Amsterdam, or a facsimile thereof, based upon inspection of  
23 photographs, microphotographs, videotape or other recorded images  
24 produced by a photo speed violation monitoring system, shall be prima  
25 facie evidence of the facts contained therein. Any photographs, micro-  
26 photographs, videotape or other recorded images evidencing such a  
27 violation shall include at least two date and time stamped images of the  
28 rear of the motor vehicle that include the same stationary object near  
29 the motor vehicle and shall be available for inspection reasonably in  
30 advance of and at any proceeding to adjudicate the liability for such  
31 violation pursuant to this section.

32 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)  
33 or (g) of section eleven hundred eighty of this article pursuant to a  
34 demonstration program established pursuant to this section shall be  
35 liable for monetary penalties in accordance with a schedule of fines and  
36 penalties to be promulgated by the parking violations bureau of the city  
37 of Amsterdam, or by such other agency authorized by such city to promul-  
38 gate such a schedule. The liability of the owner pursuant to this  
39 section shall not exceed fifty dollars for each violation; provided,  
40 however, that such parking violations bureau, or such other authorized  
41 agency, may provide for an additional penalty not in excess of twenty-  
42 five dollars for each violation for the failure to respond to a notice  
43 of liability within the prescribed time period.

44 (f) An imposition of liability under the demonstration program estab-  
45 lished pursuant to this section shall not be deemed a conviction as an  
46 operator and shall not be made part of the operating record of the  
47 person upon whom such liability is imposed nor shall it be used for  
48 insurance purposes in the provision of motor vehicle insurance coverage.

49 (g) 1. A notice of liability shall be sent by first class mail to each  
50 person alleged to be liable as an owner for a violation of subdivision  
51 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-  
52 cle pursuant to this section, within fourteen business days if such  
53 owner is a resident of this state and within forty-five business days if  
54 such owner is a non-resident. Personal delivery on the owner shall not  
55 be required. A manual or automatic record of mailing prepared in the

1 ordinary course of business shall be prima facie evidence of the facts  
2 contained therein.

3 2. A notice of liability shall contain the name and address of the  
4 person alleged to be liable as an owner for a violation of subdivision  
5 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-  
6 cle pursuant to this section, the registration number of the vehicle  
7 involved in such violation, the location where such violation took  
8 place, the date and time of such violation, the identification number of  
9 the camera which recorded the violation or other document locator  
10 number, at least two date and time stamped images of the rear of the  
11 motor vehicle that include the same stationary object near the motor  
12 vehicle, and the certificate charging the liability.

13 3. The notice of liability shall contain information advising the  
14 person charged of the manner and the time in which such person may  
15 contest the liability alleged in the notice. Such notice of liability  
16 shall also contain a prominent warning to advise the person charged that  
17 failure to contest in the manner and time provided shall be deemed an  
18 admission of liability and that a default judgment may be entered there-  
19 on.

20 4. The notice of liability shall be prepared and mailed by the city of  
21 Amsterdam, or by any other entity authorized by the city to prepare and  
22 mail such notice of liability.

23 (h) Adjudication of the liability imposed upon owners of this section  
24 shall be by the city of Amsterdam parking violations bureau, or by any  
25 other agency authorized by such city to adjudicate the liability of such  
26 matters.

27 (i) If an owner receives a notice of liability pursuant to this  
28 section for any time period during which the vehicle or the number plate  
29 or plates of such vehicle was reported to the police department as  
30 having been stolen, it shall be a valid defense to an allegation of  
31 liability for a violation of subdivision (b), (c), (d), (f) or (g) of  
32 section eleven hundred eighty of this article pursuant to this section  
33 that the vehicle or the number plate or plates of such vehicle had been  
34 reported to the police as stolen prior to the time the violation  
35 occurred and had not been recovered by such time. For purposes of  
36 asserting the defense provided by this subdivision, it shall be suffi-  
37 cient that a certified copy of the police report on the stolen vehicle  
38 or number plate or plates of such vehicle be sent by first class mail to  
39 the city of Amsterdam parking violations bureau or by any other entity  
40 authorized by the city to prepare and mail such notice of liability.

41 (j) 1. An owner who is a lessor of a vehicle to which a notice of  
42 liability was issued pursuant to subdivision (g) of this section shall  
43 not be liable for the violation of subdivision (b), (c), (d), (f) or (g)  
44 of section eleven hundred eighty of this article pursuant to this  
45 section, provided that:

46 (i) prior to the violation, the lessor has filed with such parking  
47 violations bureau, or other authorized agency, in accordance with the  
48 provisions of section two hundred thirty-nine of this chapter; and

49 (ii) within thirty-seven days after receiving notice from such bureau,  
50 or other authorized agency, of the date and time of a liability, togeth-  
51 er with the other information contained in the original notice of  
52 liability, the lessor submits to such bureau, or other authorized agen-  
53 cy, the correct name and address of the lessee of the vehicle identified  
54 in the notice of liability at the time of such violation, together with  
55 such other additional information contained in the rental, lease or  
56 other contract document, as may be reasonably required by such bureau,

1 or other authorized agency, pursuant to regulations that may be promul-  
2 gated for such purpose.

3 2. Failure to comply with subparagraph (ii) of paragraph one of this  
4 subdivision shall render the owner liable for the penalty prescribed in  
5 this section.

6 3. Where the lessor complies with the provisions of paragraph one of  
7 this subdivision, the lessee of such vehicle on the date of such  
8 violation shall be deemed to be the owner of such vehicle for purposes  
9 of this section, shall be subject to liability for such violation pursu-  
10 ant to this section and shall be sent a notice of liability pursuant to  
11 subdivision (g) of this section.

12 (k) 1. If the owner liable for a violation of subdivision (c) or (d)  
13 of section eleven hundred eighty of this article pursuant to this  
14 section was not the operator of the vehicle at the time of the  
15 violation, the owner may maintain an action for indemnification against  
16 the operator.

17 2. Notwithstanding any other provision of this section, no owner of a  
18 vehicle shall be subject to a monetary fine imposed pursuant to this  
19 section if the operator of such vehicle was operating such vehicle with-  
20 out the consent of the owner at the time such operator operated such  
21 vehicle in violation of subdivision (b), (c), (d), (f) or (g) of section  
22 eleven hundred eighty of this article. For purposes of this subdivision  
23 there shall be a presumption that the operator of such vehicle was oper-  
24 ating such vehicle with the consent of the owner at the time such opera-  
25 tor operated such vehicle in violation of subdivision (b), (c), (d), (f)  
26 or (g) of section eleven hundred eighty of this article.

27 (l) Nothing in this section shall be construed to limit the liability  
28 of an operator of a vehicle for any violation of subdivision (c) or (d)  
29 of section eleven hundred eighty of this article.

30 (m) If the city adopts a demonstration program pursuant to subdivision  
31 (a) of this section it shall conduct a study and submit an annual report  
32 on the results of the use of photo devices to the governor, the tempo-  
33 rary president of the senate and the speaker of the assembly on or  
34 before the first day of June next succeeding the effective date of this  
35 section and on the same date in each succeeding year in which the demon-  
36 stration program is operable. Such report shall include:

37 1. the locations where and dates when photo speed violation monitoring  
38 systems were used;

39 2. the aggregate number, type and severity of crashes, fatalities,  
40 injuries and property damage reported within all school speed zones  
41 within the city, to the extent the information is maintained by the  
42 department of motor vehicles of this state;

43 3. the aggregate number, type and severity of crashes, fatalities,  
44 injuries and property damage reported within school speed zones where  
45 photo speed violation monitoring systems were used, to the extent the  
46 information is maintained by the department of motor vehicles of this  
47 state;

48 4. the number of violations recorded within all school speed zones  
49 within the city, in the aggregate on a daily, weekly and monthly basis;

50 5. the number of violations recorded within each school speed zone  
51 where a photo speed violation monitoring system is used, in the aggre-  
52 gate on a daily, weekly and monthly basis;

53 6. the number of violations recorded within all school speed zones  
54 within the city that were:

55 (i) more than ten but not more than twenty miles per hour over the  
56 posted speed limit;

1 (ii) more than twenty but not more than thirty miles per hour over the  
2 posted speed limit;

3 (iii) more than thirty but not more than forty miles per hour over the  
4 posted speed limit; and

5 (iv) more than forty miles per hour over the posted speed limit;

6 7. the number of violations recorded within each school speed zone  
7 where a photo speed violation monitoring system is used that were:

8 (i) more than ten but not more than twenty miles per hour over the  
9 posted speed limit;

10 (ii) more than twenty but not more than thirty miles per hour over the  
11 posted speed limit;

12 (iii) more than thirty but not more than forty miles per hour over the  
13 posted speed limit; and

14 (iv) more than forty miles per hour over the posted speed limit;

15 8. the total number of notices of liability issued for violations  
16 recorded by such systems;

17 9. the number of fines and total amount of fines paid after the first  
18 notice of liability issued for violations recorded by such systems;

19 10. the number of violations adjudicated and the results of such adju-  
20 dications including breakdowns of dispositions made for violations  
21 recorded by such systems;

22 11. the total amount of revenue realized by the city in connection  
23 with the program;

24 12. the expenses incurred by the city in connection with the program;  
25 and

26 13. the quality of the adjudication process and its results.

27 (n) It shall be a defense to any prosecution for a violation of subdi-  
28 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of  
29 this article pursuant to this section that such photo speed violation  
30 monitoring system was malfunctioning at the time of the alleged  
31 violation.

32 § 2. Subdivision 2 of section 87 of the public officers law is amended  
33 by adding a new paragraph (w) to read as follows:

34 (w) are photographs, microphotographs, videotape or other recorded  
35 images prepared under the authority of section eleven hundred eighty-i  
36 of the vehicle and traffic law.

37 § 3. The purchase or lease of equipment for a demonstration program  
38 established pursuant to section 1180-i of the vehicle and traffic law,  
39 as added by section one of this act, shall be subject to the provisions  
40 of section 103 of the general municipal law.

41 § 4. This act shall take effect on the thirtieth day after it shall  
42 have become a law and shall expire December 31, 2031, when upon such  
43 date the provisions of this act shall be deemed repealed. Effective  
44 immediately, the addition, amendment and/or repeal of any rule or regu-  
45 lation necessary for the implementation of this act on its effective  
46 date are authorized to be made and completed on or before such effective  
47 date.